

FORT SILL – CHIRICAHUA – WARM SPRINGS – APACHE TRIBE

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43187 US Highway 281 · Apache, Oklahoma 73006-8038



RESOLUTION TO CLARIFY EDA CODE SECTION 208, “REMOVAL OF TRUSTEES”

RESOLUTION FSABC-2024-15

WHEREAS, the Fort Sill – Chiricahua – Warm Springs – Apache Tribe (the “Tribe”) is a federally recognized Indian Tribe organized under the Oklahoma Indian Welfare Act of June 26, 1936, and under its Tribal Constitution ratified on October 30, 1976, has full power to act for the Tribe; and

WHEREAS, the Tribe’s Business Committee (the “Business Committee”) has the duty and responsibility to represent the Tribe and act on all matters that concern the welfare of the Tribe pursuant to Articles IV and VII of the Constitution of the Tribe; and

WHEREAS, it is the Business Committee’s fiduciary duty as the body elect to protect the assets of the Tribe and its tribal citizenry; and

WHEREAS, as the body elect, the Business Committee has the duty and responsibility to protect the public fisc; and

WHEREAS, the Business Committee finds it in the best interest of the Tribe to take the actions necessary to protect the tribes’ assets; and

WHEREAS, the Business Committee is a fiduciary of the Economic Development Authority (“EDA”), which includes the authority to approve the appointment and removal of members of the Board of Trustees pursuant to Section 208 of the Economic Development Authority Act (“EDA Code”); and

WHEREAS, inherent to above-mentioned authorities, the Business Committee has the power to suspend and investigate members of the EDA Board of Trustees to determine whether to remove a Trustee “for cause” pursuant to EDA Code Section 104 (K); and

WHEREAS, the Business Committee has received information that a Trustee may be interfering with a current investigation of misconduct by another Trustee; and

WHEREAS, the Business Committee desires to clarify its authority under the Constitution and the EDA Code so that it may move forward with its investigation without the interference of or retaliation by the Board of Trustees.

NOW, THEREFORE, BE IT RESOLVED, that the Fort Sill – Chiricahua – Warm Springs – Apache Tribe Business Committee, pursuant its authority granted in Articles IV and VII of the Tribal Constitution

MOUNTAIN SPIRIT DANCER

Mountain Spirit Dancer represents the Mountain Spirit Ceremony which is used by the Chiricahua and Warm Springs Apache. It was given to the Apaches by the Mountain Spirits for blessings, protection, curing and warding off disease. This Ceremony is still used today.

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and EDA Section 204, hereby directs all Trustees and employees to fully cooperate and not interfere with official investigations of the Business Committee.

BE IT FURTHER RESOLVED, that the Fort Sill – Chiricahua – Warm Springs – Apache Tribe Business Committee, pursuant its authority granted in Articles IV and VII of the Tribal Constitution and EDA Section 204, hereby prohibits Trustees from directing any employee to interfere with or act in ways that frustrate any investigation of the Business Committee.

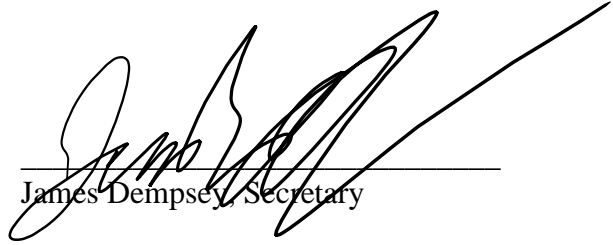
BE IT FINALLY RESOLVED, that the Fort Sill – Chiricahua – Warm Springs – Apache Tribe Business Committee, pursuant its authority granted in Articles IV and VII of the Tribal Constitution and EDA Section 204, hereby finds that failure to comply with the mandates of this Resolution may be seen as breach of fiduciary duties and retaliation, and may serve as grounds for removal pursuant to EDA Code Section 104 (K).

CERTIFICATION

We the undersigned, as the Chairwoman and Secretary of the Fort Sill – Chiricahua – Warm Springs – Apache Tribe, do hereby certify that the Fort Sill – Chiricahua – Warm Springs – Apache Tribe Business Committee is composed of six (6) members of whom four (4) constitute a quorum were present at a meeting duly held on June 25, 2024, and that the foregoing resolution was adopted by the affirmative vote of 5 members for, 0 members against and 0 members abstaining.

Fort Sill Apache Indian Tribe Business Committee


Jennifer Hebinokeky, Chairwoman


James Dempsey, Secretary

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EXHIBIT 5